



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MOMBASA**

**Succession Cause 169 of 2004**

**IN THE MATTER OF THE ESTATE OF FATUMA HAJI ABDULRAHMAN (DECEASED)**

**R U L I N G**

By a summons dated 18<sup>th</sup> November 2005, the Petitioners, namely A.A. sale Mohamed and M.H. aGorawala sought to have the deceased's name corrected to read Fatumabhai Haji Kassam instead of Fatumabhai Haji Abdulrahim. The summons is taken out pursuant to rule 43(1) of the Probate and Administration Rules. It is supported by the affidavit jointly sworn by the petitioners.

It is the argument of Mr. Kiume Kioko advocate that the mistake arose from the death certificate which was issued to the Petitioner's. That certificate has now been rectified hence the pleadings and the grant should be amended to accommodate the corrections.

I have considered the arguments put forward by the petitioners' advocate. I have also considered the grounds set out in the summons and the facts deposed on affidavit. A careful reading of section 74 of the Law of Succession Act will reveal that this court has the power to make an order correcting errors in names and descriptions. I am convinced that the mistake pointed out was genuinely made. Consequently the summons dated 18<sup>th</sup> November 2005 is allowed as prayed.

**Dated and delivered at Mombasa this 30<sup>th</sup> day of April 2007**

J.K. SERGON

J U D G E

In open court in the absence of the parties with notice